HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE No: W.P.No.12335 of 1989

PROCEEDING SHEET

S. No.	DATE	ORDER	OFFICE NOTE
14.	31.10.2023	**CJ & NVSK, J** **I.A.No.1 of 2015 (WPMP.No.4165 of 2015)** Mr. Mummaneni Srinivasa Rao, learned counsel for the review petitioners. Heard on I.A.No.1 of 2015 (WPMP.No.4165 of 2015), an application to grant leave to the review petitioners for filing the review petition. For the reasons assigned in I.A.No.1 of 2015 (WPMP.No.4165 of 2015), the review petitioners are permitted to file the petition seeking review of the order dated 16.08.2001 passed by this Court in W.P.No.12335 of 1989. I.A.No.1 of 2015 (WPMP.No.4165 of 2015) is accordingly allowed. _____ **CJ (AAJ)** _____ **NVSK, J** **I.A.No.2 of 2015 (WPMP(SR).No.15967 of 2015)** Mr. Mummaneni Srinivasa Rao, learned counsel for the review petitioners.	Transferred to i/o folder, before corrections, if any.

		Heard on I.A.No.2 of 2015 (WPMP(SR).No.15967 of 2015), an application to bring petitioner Nos.2 to 5 as legal representatives of the deceased writ petitioner Bolla Rambabu. For the reasons assigned in the application, duly supported by an affidavit, I.A.No.2 of 2015 (WPMP(SR).No. 15967 of 2015) is allowed. Let cause title be amended during the course of the day. _____ **CJ (AAJ)** _____ **NVSK, J** **I.A.No.3 of 2015 (WPMP(SR).No.15968 of 2015)** Mr. Mummaneni Srinivasa Rao, learned counsel for the review petitioners. Heard on I.A.No.3 of 2015 (WPMP(SR).No.15968 of 2015), an application seeking condonation of delay. For the reasons assigned in the application, duly supported by an affidavit, we find that sufficient cause for condonation of delay in filing the review petition is made out. Accordingly, delay is condoned and I.A.No.3 of 2015 (WPMP(SR).No.15968 of	

		2015) is allowed. _____ **CJ (AAJ)** _____ **NVSK, J** **I.A.No.5 of 2015 (WPMP(SR).No.15974 of 2015)** Mr. Mummaneni Srinivasa Rao, learned counsel for the review petitioners. Heard on I.A.No.5 of 2015 (WPMP(SR).No.15974 of 2015), an application to dispense with filing of certified copy of order dated 16.08.2001 passed in W.P.No.12335 of 1989. For the reasons assigned in the application, duly supported by an affidavit, I.A.No.5 of 2015 (WPMP(SR).No. 15974 of 2015) is allowed. _____ **CJ (AAJ)** _____ **NVSK, J** **I.A.No.6 of 2015 (WPMP(SR).No.15975 of 2015)** Mr. Mummaneni Srinivasa Rao, learned counsel for the review petitioners. Heard on I.A.No.6 of 2015 (WPMP(SR).No.15975 of 2015), an	

		application seeking impleadment. For the reasons assigned in the application, the same is allowed. Let amendment be incorporated during the course of the day. _____ **CJ (AAJ)** _____ **NVSK, J** **I.A.No.8 of 2015 (Review WPMP(SR).No.15977 of 2015)** Mr. Mummaneni Srinivasa Rao, learned counsel for the review petitioners. 1. Heard on I.A.No.8 of 2015 (Review WPMP(SR).No.15977 of 2015), an application seeking review of the order dated 16.08.2001 passed by this Court in W.P.No.12335 of 1989. 2. Facts giving rise to filing of this review petition briefly stated are that the original petitioner namely the author of the present review petitioners filed an application seeking Ryotwari patta under Andhra Pradesh Scheduled Areas Ryotwari Settlement Regulation, 1970. The application submitted by father of the review petitioners was rejected by the Settlement Officer. The father of the review petitioners filed an appeal before	

		the Director of Settlements, A.P., Hyderabad and the Director allowed the appeal and held father of the review petitioners entitled to a ryotwari patta in respect of land measuring 1.77 hectares in Survey No.20/45. 3. The order passed by the Director of Settlements was challenged before the Commissioner, Survey, Settlements and Land Records. The Commissioner by an order dated 05.10.1987 set aside the order passed by the Director of Settlements, Hyderabad. The original petitioner challenged the aforesaid order in a writ petition. 4. A Division Bench of this Court by an order dated 16.08.2001 dismissed the writ petition. Thereupon the sons of the original petitioner had filed this review petition. 5. Learned counsel for the review petitioners submitted that a panchanama was prepared by the Settlement Inspector on 10.11.1952 wherein it is stated that the father of the review petitioners is in possession of the subject land. However, the aforesaid material document was not considered by a Division Bench of this Court while passing the order dated 16.08.2001 and therefore, the order	

		suffers from error apparent on the face of the record. 6. We have considered the submissions made on both sides and have perused the record. 7. Regulation 7(1)(a) of the Regulation of 1970, which is relevant for the purposes of controversy involved in this petition reads as under: "7. **Lands in which ryot is entitled to ryotwari patta:-** (1) Every ryot in the Scheduled Areas to which this Regulation applies shall be entitled to a ryotwari patta in respect of all cultivable lands which were proper which ought to have been properly included in his holding and which are not lands in respect of which any other person is entitled to a ryotwari patta under any other law for the time being in force in the State relating to grant of ryotwari patta: Provided that in the case of lands in the estates which have been taken over under the Andhra (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 a person who would be entitled to a ryotwari patta under that Act shall be granted a patta, if the lands have been continuously in the occupation of that person from the notified date; Provided further that in	

		respect of lands other than those to which a person is entitled to a ryotwari patta under the first proviso, no ryot who is not a member of the Scheduled Tribes shall be entitled to ryotwari patta in respect of cultivable land unless- (a) such a person had been in possession or in occupation of the land for a continuous period of not less than eight years immediately before the commencement of this Regulation." 8. Thus, from perusal of the aforesaid Regulation, it is evident that a person claiming ryotwari patta is required to prove that he is in possession of the land in question for a period not less than eight years immediately before commencement of the Regulation. Thus, a person claiming ryotwari patta is required to prove that he is in possession of the land in question till the commencement of the Regulation. 9. The Division Bench of this Court in its order dated 16.08.2001 has recorded a finding that there is no material on record to show that the original petitioner was in possession of the land in question for eight years immediately before the commencement of	

		the Regulation. 10. Sofar as reliance placed by learned counsel for the review petitioners on the panchanama prepared by Settlement Inspector dated 10.11.1952 is concerned, it only states that the father of the review petitioners was in possession for a period of over 25 years on the land in question i.e., since 1927. However, the aforesaid document also does not prove the possession of the petitioner immediately preceding eight years before the commencement of the Regulation. The aforesaid finding of fact is based on material available on record and by no stretch of imagination can be said to be perverse. 11. The order under review neither suffers from any jurisdictional infirmity nor any error apparent on the face of the record warranting interference of this Court in exercise of review jurisdiction. 12. In the result, review petition fails and is hereby dismissed. _____ **CJ (AAJ)** _____ **NVSK, J** KL	